

REMARKS

This Amendment is filed in response to the Office Action dated May 12, 2003. A petition for a three-month extension of time is attached. Claims 1, 3-7 and 9-20 are pending in this application. Claim 2 is cancelled. Claims 1, 3, 5, 6, 17 and 20 are amended.

The Examiner objected to the form of the Information Disclosure Statement filed on July 17, 2000, as failing to include copies of the references. This application is a continuation from U.S. Patent Application Serial No. 08/839,189, filed on April 23, 1997, which issued as U.S. Patent No. 6,090,096. Each of the references cited in the July 17, 2000, IDS were cited and provided in the parent application. As a result, Applicants submit that they have complied with the requirements of 37 CFR1.98. See 37 CFR1.98(d). Applicants have resubmitted the IDS and Form 1449 for the Examiner's consideration. If the parent patent application file no longer contains the references, Applicants will attempt to obtain additional copies to submit for the Examiner's review. Applicants request that the Examiner telephone the undersigned in the event that additional copies of the references are needed.

The Examiner rejected claims 1, 5, 11-16 and 20 under 35 U.S.C. § 102(b) as being anticipated by Runge (U.S. Patent No. 5,688,245). The Examiner rejected claims 1, 4-5, 11-16, and 20 under 35 U.S.C. § 102(b) as being anticipated by Machold (U.S. Patent No. 5,458,574). Applicants have amended claims 1 and 20, without prejudice, to add the limitation of claim 2, which has been indicated as allowable, thereby placing claims 1, 3, 4, 11-16 and 20 in condition for allowance.

Applicants respectfully traverse these rejections as they pertain to claim 5. Applicants submit that neither Runge nor Machold teach or disclose the cardioplegia catheter of claims 5, as neither discloses a catheter that has a distal portion preshaped for positioning the distal end in the ascending aorta with the proximal end extending through a left ventricle, a mitral valve and a left atrium of the heart. Applicants request the Examiner to withdraw the rejections as they pertain to claim 5.

The Examiner indicated that claims 6 and 17 would be in condition for allowance if amended to include the base limitations and any intervening claim limitations. Applicants have done so, and therefore submit that claims 6 and 17 and claims 7, 10 and 18, which depend therefrom, are in condition for allowance.

Applicants respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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